

between themselves because there is no question of party in this. I only request the Whips to do so as they please and afterwards not blame me or the House for lack of co-ordination and complain that the time was not enough.

Sri H. SIDDAVEERAPPA.—One clarification from the Hon'ble Minister. He was pleased to say that the Tahsildar immobilised these crushers. I want to know under what power or what order he did it.

Sri M. V. RAMA RAO.—The orders that were cited vest the power to immobilise an unlicensed sugar cane crusher.

Mr. SPEAKER.—Any way, I will try to get those copies and members must try to help themselves. If it is not in the library, we will try elsewhere.

PAPERS LAID ON THE TABLE

Sri B. D. JATTI (Minister for Food and Civil Supplies).—Sir, on behalf of the hon. Minister for Law. I beg to lay on the Table the authenticated copy of the Delimitation of Parliamentary and Assembly Constituencies Order 1966 under Section 8(2) of the Representation of the People Act, 1950.

Mr. SPEAKER.—The authenticated copy of the Delimitation of Parliamentary and Assembly Constituencies Order 1966 under Section 8 (2) of the Representation of the People Act, 1950, is laid.

MYSORE VILLAGE OFFICES ABOLITION (AMENDMENT) BILL, 1967

Motion to Consider—(Debate Continued)

AND

NON-OFFICIAL RESOLUTION *re*: DISAPPROVING THE MYSORE VILLAGE OFFICES ABOLITION (AMENDMENT) ORDINANCE 1967.

†**Sri B. RACHAIAH** (Minister for Revenue and forests).—Sir, I am sorry yesterday there was some mistake in not appending the memorandum, regarding the delegated legislation. Now it is appended and circulated to the members and I hope the members will see that the Bill is pushed through.

The hon'ble members are aware that in 1961 the Mysore Village Offices Abolition Bill was enacted and it was given effect to from 1st February 1963.

(SRI B. RACHAIAH)

(MR. DEPUTY SPEAKER in the Chair)

The validity of that Act was challenged in the High Court and the High Court issued a stay order. Further it went up to the Supreme Court and it took nearly 3 years and the Supreme Court upheld the abolition of the hereditary village offices. Under section 9 (2) of that Act every ex-village officer was expected to file a petition to the Deputy Commissioner for payment of any relief for the office he held. In view of the fact that the case is in the court, the ex-village officers could not apply to the Deputy Commissioner within the prescribed time limit and many of them represented to the Government that they should be given some time. Therefore claims have to be considered for payment of this relief. In order to give some relief to the ex-village officers, section 9 (2) is sought to be amended and instead of expecting the ex-village officers to apply to the Deputy Commissioner, the Government have thought it fit to put the burden on the Deputy Commissioner himself to fix the quantum of relief that is to be paid to each individual and then give time to the village officers to apply to the Deputy Commissioner to know the data under which he has arrived at that conclusion. After giving an opportunity to the village officers, either orally or in writing, the Deputy Commissioner has to pass an award and for that the provision has been made under this amending Bill. Since the legislature was not in session at that time the Government have thought fit to resort to issue an ordinance so that many village officers may be benefited out of this legislation. So I am aware that the issue of ordinance will have to be resorted to only in an extraordinary case. This is one such case wherein the Government had to resort to this kind of legislation. This is a non-controversial and simple measure which will benefit most of the ex-village officers. I commend the Bill for the acceptance of the members of this House.

Sri H. SIDDAVEERAPPA.—Sir, I have a resolution to be moved in this behalf. Yesterday the procedure followed was that both the resolution and the Bill were simultaneously taken into consideration. Even with regard to this Bill I suggest the same thing may be done. I move the resolution with your permission.

That this House disapproves the Mysore Village Offices Abolition (Amendment) Ordinance 1967 (Mysore Ordinance No. 4 of 1967).

MR. DEPUTY SPEAKER.—Motion moved :

That this House disapproves the Mysore Village Offices Abolition (Amendment) Ordinance 1967. (Mysore Ordinance 4).

† Sri M. R. PATIL.—Sir, the Bill before us contains four clauses and of course the material clause, is, clause 2. The remaining clauses

relate to title and preamble. In clause 2 it is proposed to amend sub-section 2 of section 9 of the Mysore Village Offices Abolition Act 1961. Section 9 of the principal Act says :

“ A holder of a village office abolished under this Act shall be paid in such manner and in such instalments as may be prescribed. ”

It is said that the village officers shall be entitled to six times the difference between the assessment and quit rent fixed to the office. Section 2 intended to be amended is :

“ A holder of a village office entitled to payment under sub-section (1) shall make an application to the Deputy Commissioner in the prescribed form within one year from the appointed date. The Deputy Commissioner shall, after holding an enquiry in the prescribed manner by order determine the amount payable to the applicant. ”

By the present amendment it is proposed to delete the existing provision and incorporate a new provision. The new section is proposed to be divided into three clauses. Clause (1) says:

“ As soon as may be after the commencement of the Mysore Village Offices Abolition (Amendment) Act, 1967, the Deputy Commissioner shall determine in accordance with such of the provisions of sub-section (1) as may be applicable to any holder of a village office, the amount payable in respect of the office which has been abolished. ”

The idea contained in this clause is complete by itself. It was the responsibility of the Deputy Commissioner to determine compensation or relief and it is specifically stated that the Deputy Commissioner shall do it as soon as may be after the commencement of the Act. I want all of us to remember that this Bill is in continuance of ordinance already issued and sub-clause (i) sub-section 2 says that this shall be deemed to come on 12th September 1967. So as soon as we pass this Bill, it would amount that the Act has already come into force on the 12th September 1967.

According to clause 1 it gives authority to the Deputy Commissioner to determine the compensation even from today. What I am trying to point out is that there is a contradiction between sub-clause 2(i) and 2(ii). Looking to sub-clause 2(ii), it is not obligatory on the part of the holder of a village office to apply that clause but sub-clause 2(ii) gives an opportunity to the holder to apply for data and place his case before the Deputy Commissioner. The time for application is to be prescribed and the Deputy Commissioner may in his discretion allow further time also. It will take six months before the rules are framed and the rules will certainly give about a year or two to a village officer to put in his application for the data. Sub-clause (i) authorises the Deputy Commissioner to determine the compensation. It

(SRI M. R. PATIL)

does not say that the Deputy Commissioner should wait till the prescribed time is over or till the Deputy Commissioner gives him an opportunity to apply for the data. The Deputy Commissioner can pass an order immediately even before the prescribed time is over or even before the data is applied for. So, the contradiction is there. I request the Hon'ble Minister to explain as to how he tries to eliminate this contradiction.

2-30 P.M.

Sub-clause (ii) as it stands now requires the holder of a village office to apply for the determination of the compensation. In the Statement of Objects and Reasons also it is stated: "Since the time limit of one year for making applications for relief by the Village Officers expired long back and in view of the fact that there have been repeated representations from Village Officers for extending the time limit, it was considered necessary to amend the Act so as to provide an opportunity to the Village Officers to obtain relief." A simple amendment would have been to substitute five years or six years or something like that for one year. After the issue of the ordinance, I had an opportunity of discussing the provisions of the ordinance with the revenue officers in my district. Some of them are contending that it was obligatory under the existing Act for the Village Officers to apply for determining the compensation or relief but here the word used is 'may'. It shall be construed as 'shall' and if the Village Officers fails to put in an application for the data, then the Deputy Commissioner shall have to pass an order determining the compensation or relief. This is the view held by the revenue officers. My submission is that clause (ii) is only an enabling clause which gives an opportunity to the Village Officer to call for data and argue his case. If he does not call for the data and if he does not argue the case, the responsibility is upon the Deputy Commissioner to determine the compensation or relief. That is the spirit of the clause. So, I feel that clause (ii) requires some amendment. The Hon'ble Minister may consider it.

SRI M. NAGAPPA (Raichur).—Sir, I raise the point of order under article 213 read with Rule. 122. My point of order is that this ordinance is invalid because the Governor was not given instructions by the President as laid down under article 213 (1) and the proviso to that article. Article 213 (1) reads:

"If at any time except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session; the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may

promulgate such ordinances as the circumstances appear to him to require :

Provided that the Governor shall not, without instructions from the President, promulgate any such ordinance if—

.....

(c) An Act of the Legislature of the State containing the same provisions would under this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President.”

Mr. DEPUTY SPEAKER.—We are discussing the Bill, and the hon. Member is challenging the very validity of the ordinance.

Sri M. NAGAPPA.—There is a resolution moved by the Learned hon. Member Sri Siddaveerappa and with reference to that I am taking this objection.

Mr. DEPUTY SPEAKER.—It does not arise.

Sri M. NAGAPPA.—I will now refer to Article 31 (a) It says :—

“The acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights shall be deemed to be void.....

Provided that where such law is a law made by the Legislature of a State the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the president, has received his assent.”

So, such a Bill require the assent of the President. In such matters, the Governor is incompetent to issue ordinance unless the instructions are issued by the President of India. I submit that the very Ordinance on the basis of which the Bill has been moved, is against the provisions of the Constitution and so, it cannot be considered by this House.

Mr. DEPUTY SPEAKER.—The Bill is not introduced on the basis of the Ordinance. It is for the replacement of the Ordinance. Point of Order does not stand.

Sri M. NAGAPPA.—Explanation has been given by adding a memorandum. The Hon'ble Speaker may consider Rule 70 of the Rules of Procedure and Conduct of Business in this Assembly. It says :—

“Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the Assembly there shall be placed before the Assembly along with the Bill a statement explaining the circumstances which necessitated immediate legislation by Ordinance,”

Mr. DEPUTY SPEAKER.—The Bill is already introduced: it is for consideration. Now, the hon'ble member is challenging the very validity of the Ordinance.

Sri M. NAGAPPA.—I am raising the objection at this stage because it is contravening certain provision of the Constitution. There is also a valid Resolution before the House moved by my learned friend Sri H. Siddaveerappa.

Mr. DEPUTY SPEAKER.—The objection will not arise at this stage. It is not a Point of Order.

Sri H. SIDDAVEERAPPA.—I would like to say a few words on this, because my learned friend has raised a very valid or an important Point of Order in the context of the Constitution, constitutional provision under Article 213. Under Article 213, it is not a general power that is given to the Governor for issuing an Ordinance as he pleases. Moreover, I have moved a Resolution in this behalf and the Hon'ble Speaker ruled that both the Resolution and the Bill be taken into consideration. Under clause 4 it is valid in law. It is sought to repeal that Ordinance 4 of 1967. If the Ordinance itself is invalid or illegal, it is much more so in the case of the Bill which seeks to replace the ordinance. In view of that, it is a matter for examination whether this particular Ordinance requires the assent or previous consent of the President. If that were so, the House is entitled to know whether previous consent of the President was received. In view of this very important and valid, and if I may say so, a weighty Point of Order that is raised, it would be right to examine it in all aspects and then give your Ruling because the ruling that will be given will be quoted as a precedent. Therefore, I would request you to examine it, bestow your thought and then give your Ruling.

ಶ್ರೀ ಎಂ. ಶ್ರೀಕಂಠಯ್ಯ (ನಂಜನಗೂಡು)—ಈ ಪ್ರಶ್ನೆ ಬರುತ್ತದೆ. ಪೂರ್ವ ಭಾವ ಅನುಮತಿ ಇದಕ್ಕೆ ಬೇಕು ಅಲ್ಲವೇ? ಇದರಲ್ಲಿ ಕಾನ್‌ಸ್ಟಿಟ್ಯೂಷನ್ ಆರ್ಟಿಕಲ್ ಅರ್ಧ ಮಾಡುವುದು ಇರುವುದರಿಂದ ಇದನ್ನು ಯೋಜನೆ ಮಾಡಲು ಜೈಂ ಕೊಟ್ಟರೆ ಅನುಕೂಲವಾಗುತ್ತದೆ.
We will examine and argue the case.

Sri M. NAGAPPA.—The original Bill is very clear; the assent of the President has been obtained for that. So, this amendment also requires the assent of the President.

Sri B. RACHAIAH.—All the procedure has been followed.

Sri H. SIDDAVEERAPPA.—We would like to know whether the assent was received when you promulgated this Ordinance.

Mr. DEPUTY SPEAKER.—We are not here to discuss whether the Ordinance is legal or illegal.

Sri H. SIDDAVEERAPPA.—If the Ordinance itself is illegal, this Bill cannot be taken into consideration, because the very foundation for this Bill is the Ordinance, which they now want to repeal.

Mr. DEPUTY SPEAKER.—Does it arise at this stage?

Sri H. SIDDAVEERAPPA.—Point of Order can be raise at any stage.

SRI M. NAGAPPA.—Definitely it comes under Rule 311 of the Rules of procedure and conduct of Business and it can be taken as a Point of order, at any time.

MR. DEPUTY SPEAKER.—The Point of Order is not relevant to this Bill.

SRI M. NAGAPPA.—My point is very simple that before any Ordinance has been promulgated, the requirements as laid down under Article 213 of the Constitution have not been complied with. Therefore, the very basis of this amending Bill is illegal and void, and it amounts to invalid Act even if any Act has been passed on that illegal Bill.

MR. DEPUTY SPEAKER.—We have nothing to do with the Ordinance; we are dealing with the Bill. Therefore, the Point of Order does not stand.

SRI L. SRIKANTIAH.—They want to replace Section 4 of this amending Bill; they want to repeal the Ordinance that is promulgated by the Governor of Mysore. My friend's contention is that the very promulgation is illegal and void.

SRI L. SRIKANTIAH.—I beg to differ there. Is it that they are trying to legalise the Ordinance by this amending Bill? It was contended by Sri Nagappa that through this Bill the previous assent of the President has not been taken. A specific question was put to the Hon'ble Revenue Minister by my learned friend, Sri H. Siddaveerappa: "can you say that the previous assent of the President is received in this case?" No answer is forthcoming. That being the case, the very foundation itself is in stake. Therefore, the contention, of my friend that this Bill cannot be introduced is perfectly valid in law.

SRI H. SIDDAVEERAPPA.—Sir, kindly bear with us and examine the very relevant principles of Article 213. No doubt, it is true that we are discussing this Bill. What is the starting point of this Bill? It is Ordinance 4 of 1957 as was promulgated by the Governor. The point for consideration is this. In article 213 of the Constitution you will be pleased to see that it is very clear as to how my friend Sri Nagappa's contention is wholly relevant. I will read only a portion of Article 213; wherein it is stated that the power is not unconditional and that power will have to be used as laid down under the constitution and also under the rules of the Rules of Procedure. The explanation under the Article reads as follows:

"Where the Houses of a Legislature of a State having a Legislative Council are summoned to re-assemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the State assented to by the Governor, it shall be void"

(SRI H. SIDDAVEERAPPA)

This Ordinance has all the force of Legislative enactment which has been passed by this House. Under the law this is one of the Acts where the assent of the President is absolutely essential before it becomes law, You may pass it. Our learned friend, the Hon'ble Minister Sri Rachiah had brought the amending Bill. Can he bring this amending Bill without the former consent? It could not have been the law unless it is assented to by the President. Therefore, this could not be put on the legislative enactment list unless it has received the assent of the President although this House has passed. The Ordinance had the force of the law because it means it is a legislative enactment for all the purposes. It was very necessary to get the Governor's assent before the ordinances were promulgated. under Article 213 of the Constitution it is stated as follows :

“(3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the State assented to by the Governor, it shall be void :

Provided that, for the purposes of the provisions of this Constitution relating to the effect of an Act of the Legislature of a State which is repugnant to an Act of Parliament or an existing law with respect to a matter enumerated in the Concurrent List, an Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the State which has been reserved for the consideration of the President and assented to by him.”

Therefore it was incumbent and very necessary that the consent of the president should have been taken before the Ordinance was issued. The Minister is aware the ordinance has all the Force of law and now he wants us to repeal the ordinance which is a panacea. Under these circumstances, the point of order that has been raised is perfectly alright and the Minister should apply his mind.

Sri L. SRIKANTIAH.—The Constitution is supreme. Whatever we do here is subject to Constitution. The previous assent should have been got for this. You are overruling the provisions of the Constitution.

Sri B. RACHIAH.—The Ordinance is not before us. The Bill seeks to replace the ordinance which was promulgated. Besides that for promulgation of an ordinance, the assent of the President is not necessary. After passing of this Bill, if the president refuses to give his consent, then we will be in trouble. For promulgation of an ordinance of this nature, we are advised that prior assent is not necessary.

Mr. DEPUTY SPEAKER.—A point of Order has been raised by Hon'ble Member Sri Nagappa referring to the ordinance which was

promulgated. Now the Bill is in replacement of that ordinance. At this Stage we have nothing to do with the ordinance. We have been discussing here the Bill. There is no point of order.

SRI H. SIDDAVEERAPPA.—I rise to oppose this measure. My first objection would be with regard to the power that has been misused by the Government in issuing the ordinance. They have issued this ordinance in a rather indiscriminate manner. Sir, as could be seen, the power of issuing ordinance is a very Extraordinary one. But our Government has gone on issuing ordinances very freely. In this particular case, the House was sitting when the ordinance was issued, although it was adjourned. The House was not in session but was adjourned. They could have called for a Session and pass this ordinance. Instead of doing that, they have arrogated the power of Legislature and passed this measure. They think that they can pass any measure they like. That has happened in the case of other series of ordinances. In so many cases, they have issued ordinance 15 days prior to Session and 15 days after session. Therefore, what I am saying is they are indifferent and callous. They feel something suddenly and bring such things before the House after everything is done. Is the Minister or the Government slumbering? Was not the House in session for $3\frac{1}{2}$ months? They could have foreseen this and brought then and there. What was the compelling necessity to pass such an ordinance? This ordinance issuing power should never be used. It should be used only sparingly that too in a period of extreme urgency. Have they followed it? Therefore, I vehemently condemn this and oppose this measure.

MR. DEPUTY SPEAKER.—The House stands adjourned for half-an-hour.

The House rose at Three of the clock to re-assemble at Thirty Minutes past Three of the clock.

The House re-assembled at Thirty Minutes past Three of the Clock.

[**MR. DEPUTY SPEAKER** in the Chair].

MR. DEPUTY SPEAKER.—There is not much time for this Bill. Only half-an-hour is allowed for it. So, hon. Members must be very brief in their speeches.

†**SRI S. S. SHETTAR (Hubli).**—Mr. Deputy Speaker, My intention to speak on this Bill is to particularly welcome this Bill. This particular Bill has given an opportunity to certain persons to have an opportunity of getting compensation. The legal aspect of the Ordinance has been spoken already by my friend Mr. Nagappa. Really speaking, if the legal aspect of the Ordinance that is issued is discussed at length, it goes to

(SRI S. H. SHETTAH)

prove that it is not properly issued. But the question before us today is the passing of this particular Bill, apart from the legal aspect whether this particular Ordinance was issued properly or not, the Ordinance in question has been repealed in this particular Bill.

What the first part of the Bill contemplates is the time for applying for payment of relief. In the original Bill the time limit was prescribed as only one year from the date of the Act coming into force; that date was called the appointed day. But now the question has been made clear by Mr. M. R. Patil that whether the application is submitted or not by a particular person, his case will have to be decided by the Deputy Commissioner. He will have to take into consideration what will be the exact loss a particular office-bearer will suffer and then decide the exact compensation to be awarded. The Revenue authority has also to give an opportunity to every village official to have his say when the data has not been correctly arrived at by the officer. I have come to understand that many persons have not applied for compensation. There are still so many officials at the lowest rung who will have to apply for compensation; many have yet to prefer applications. The extension of time specially in the case of the four districts of North Karnataka and particularly in the case of Dharwar and Bijapur Districts has been found to be very helpful. The way in which the responsibility is cast upon the officers to make enquiry regarding the compensation to be paid and afterwards to make an assessment of it to verify whether it is correct or incorrect, is appreciated. That opportunity to review the compensation is also given to the person concerned.

Sir, I welcome the spirit of the Bill. In view of the fact that all opportunity is given to one and all to secure compensation, it is a laudable measure.

ಶ್ರೀ ಎಂ. ಶ್ರೀಕಂಠಯ್ಯ.—ಮಾನ್ಯ ಮಿತ್ರರಾದ ಎಂ. ಆರ್. ಪಾಟೀಲರು ಒಂದು ಮುಖ್ಯವಾದ ಅಂಶದ ಕಡೆಗೆ ನಮ್ಮ ಗಮನವನ್ನು ಸೆಳೆದಿದ್ದಾರೆ. ಈ ಶಾಸನ ಜಾರಿಗೆ ಬಂದ ತಕ್ಷಣ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಪರಿಹಾರ ಧನವನ್ನು ಗೊತ್ತುಮಾಡಬೇಕು ಎಂಬುದು ಸಬ್ ಕ್ಲಾಜು ಒಂದರಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿದೆ. ಆದರೆ ಸಬ್ ಕ್ಲಾಜು ಎರಡರಲ್ಲಿ ಹೇಳುವುದು ಸ್ವಲ್ಪ ಅನುಮಾನಕ್ಕೆ ಕಾರಣವಾಗಿದೆ. ಪರಿಹಾರಧನವನ್ನು ಗೊತ್ತುಮಾಡಿದಾಗ ಯಾವ ಆಧಾರದಮೇಲೆ ಗೊತ್ತುಮಾಡಿದ್ದೀರಿ, ಮಾಹಿತಿ ಕೊಡಿ ಎಂದು ಕೇಳುವುದಕ್ಕೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದಾರೆ. ಹಾಗೆ ಕೇಳಿದಾಗ ಆ ವಿವರ ಬೇಕೆಂದು ಅರ್ಜಿ ಹಾಕಿದಾಗ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಡೇಟಾ ಕೊಡಬೇಕು. ಮತ್ತು ಅರ್ಜಿ ಕೊಟ್ಟಾಗ ಮನವಿ ಮಾಡುವುದಕ್ಕೆ ಸಾಕಷ್ಟು ಅವಕಾಶ ಕೊಡಬೇಕು. ಕ್ಲಾಜು ಒಂದರಲ್ಲಿರುವುದನ್ನು ಸಬ್ ಕ್ಲಾಜು ಎರಡು ಸಮನ್ವಯಮಾಡುವುದಿಲ್ಲ. ಒಂದನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಪರಿಹಾರ ಧನ ಗೊತ್ತುಮಾಡಬೇಕು ಎಂದು ತಿಳಿಸಿ ಎರಡನೆಯ ಸಬ್ ಕ್ಲಾಜಿನಲ್ಲಿ ಅರ್ಜಿ ಹಾಕಿದರೆ ಡೇಟಾ ಕೊಡಬೇಕು ಎಂದು ಹೇಳಿದರೆ ಅದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಕ್ಲಾಜು ಒಂದರ ಪ್ರಕಾರ ನೂರು ರೂಪಾಯಿ ಬರಬೇಕೆಂದು ಗೊತ್ತುಮಾಡಿದಮೇಲೆ ಯಾವ ಆಧಾರದಮೇಲೆ ಗೊತ್ತುಮಾಡಿದೆ ಎಂದು ಕೇಳಿದರೆ ಡೇಟಾ ಕೊಟ್ಟು ಫುನಿಷಿಂಗ್ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆಯೇ ಎಂಬುದು ಸಬ್ ಕ್ಲಾಜು ಎರಡರಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗುವುದಿಲ್ಲ.

ಮೂರನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಎರಡನೆ ಕ್ಲಾಜಿನಲ್ಲಿ ಸಮನ್ವಯ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಒಂದನೇ ಕ್ಲಾಜ್ ಪ್ರಕಾರ ಏಕಪಕ್ಷೀಯವಾಗಿ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಒಬ್ಬನಿಗೆ 100 ರೂಪಾಯಿ ಸಲ್ಲಬೇಕೆಂದು ತೀರ್ಮಾನ ತೆಗೆದುಕೊಂಡಿದ್ದರೆ ಮೂರನೇ ಕ್ಲಾಜ್ ಪ್ರಕಾರ ಅವನಿಗೆ ಕಾಪಿ

ಕೊಡುತ್ತಾರೆ. ಹಾಗಾದರೆ ಈ ಎರಡನ್ನೇ ಕ್ಯಾಸ್ ಯಾವುದಕ್ಕೆ ರೆಫರ್ ಆಗುತ್ತದೆ? ಅದನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಸ್ಪಷ್ಟಪಡಿಸಬೇಕು. ಎರಡು ಸಂಗತಿಗಳು ಇದರಲ್ಲಿ ಬರುತ್ತವೆ, ಒಂದು ಬಹುಶಃ ಈ ಅಕ್ವನ್ನು ರಡೆನ್ ಮಾಡಿದವರಿಗೆ ಈ ಗುಡ್ಡೇಶ ಇರಬಹುದು ಒಂದು ಪರಿಹಾರ ಕೇಳಿದೇ ಇರತಕ್ಕ ವ್ಯಕ್ತಿಗಳು ಇರುತ್ತಾರೆ, ಕೇಳಲ ಬಿಡಲ ಕೊಡಬೇಕಾದ ಹಣವನ್ನು ಕ್ಯಾಸ್ ಒಂದರ ಪ್ರಕಾರ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಅಸೆಸ್ ಮಾಡಿ ಕೊಡುತ್ತಾರೆ. ಅಂಥವರಿಗೆ ಕ್ಯಾಸ್ ಒಂದು ಅನ್ವಯವಾಗುತ್ತದೆ. ಯಾರು ಪರಿಹಾರ ಬೇಕು ಎಂದು ಅರ್ಜಿಹಾಕುತ್ತಾರೆ ಅಂತಹವರು ಡೇಟಾ ಒದಗಿಸಿಕೊಂಡಾದಮೇಲೆ ಹಿರುರಿಂಗ್ ಕೊಟ್ಟು ಆದಾದಮೇಲೆ ಒಂದು ಆರ್ಡರ್ ಪಾಸ್ ಮಾಡುತ್ತಾರೆ ಅಂತ ಹೇಳಿ ಎರಡನ್ನೇ ವಿಧಿಯಲ್ಲಿ ಬರುತ್ತದೆ. ಈ ಎರಡೂ ಕ್ಯಾಸ್‌ಗಳೂ ಅವರಿಗೆ ಅನ್ವಯವಾಗುತ್ತದೆಯೇ? ಆ ಗುಡ್ಡೇಶವನ್ನು ಇಟ್ಟುಕೊಂಡು ಈ ಕಾನೂನನ್ನು ತಂದಿದ್ದಾರೆಯೇ ಎಂಬುದು ಸ್ಪಷ್ಟವಾಗುತ್ತಿಲ್ಲ. ಇದನ್ನು ಸ್ವಲ್ಪ ಸ್ಪಷ್ಟಪಡಿಸಬೇಕು, ಇದರಲ್ಲಿ ಅನುಮಾನವಿದೆ ಎಂದು ಮಾನ್ಯ ಮಿತ್ರರು ಹೇಳಿದ್ದನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಅನುಮೋದಿಸುತ್ತೇನೆ.

† ಶ್ರೀ ಸಿ. ಕೆ. ರಾಜಯ್ಯಶೆಟ್ಟಿ (ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ).—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ಮುಖ್ಯವಾಗಿ ಮೊದಲೇನೇ ಈ ವಿಧೇಯಕ ನುಮಾರು ನಾಲ್ಕು ವರ್ಷಗಳ ಹಿಂದೆ ಈ ಮನೆಯಮುಂದೆ ಬಂದು ಅನುಮತಿಯನ್ನು ಪಡೆದಿದೆ. ಸುಪ್ರೀಂ ಕೋರ್ಟಿಗೆ ಹೋಗಿ ಅಲ್ಲಿ ಕೆಲವರು ಅಪೀಲು ಮಾಡಿರುವುದರಿಂದ ಈಗ ಗ್ರಾಮಾಧಿಕಾರಿಗಳಿಗೆ ಸ್ವಲ್ಪಬೇಕಾದ ಹಣವನ್ನು ಕೊಡಬೇಕೆಂದು ಹೇಳಿ ಈ ವಿಧೇಯಕವನ್ನು ತಂದಿದ್ದೀರಿ. ತಮಗೆ ಗೊತ್ತಿರಬಹುದು ಗ್ರಾಮಾಧಿಕಾರಿಗಳು ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಎರಡು ವರ್ಷಗಳಾಗಿವೆ, ಅದನ್ನು ಇತ್ಯರ್ಥಮಾಡುವುದಕ್ಕೆ ಎರಡು ವರ್ಷ ಏಕೆ ಬೇಕು ಎನ್ನುವುದು ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ. ಕೊನೇ ಪಕ್ಷ ಒಂದು ವರ್ಷವಾದರೂ ಮಾಡಿದರೆ ಬಹಳ ಉಪಕಾರವಾಗುತ್ತದೆ ಎಂದು ಕಾಣುತ್ತದೆ. ತಮಗೆ ಗೊತ್ತಿದೆ ಅನೇಕ ಜನ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದಾರೆ, ಸುಪ್ರೀಂ ಕೋರ್ಟಿಗೆ ಅಪೀಲು ಮಾಡಿದ ಕೆಲವು ಜನ ಅರ್ಜಿ ಸಲ್ಲಿಸದೇ ಇರಬಹುದು ಎಂದು ಕಾಣುತ್ತದೆ. ಅವರು ಕೆಲಸದಿಂದ ನಿವೃತ್ತರಾಗದೇ ಇರಬಹುದು ಆದರೆ ಮುಕ್ಯಾಲು ಭಾಗದ ಜನ ಅರ್ಜಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ಇನ್ನು ಉಳಿದ ಭಾಗ ಕೊಟ್ಟಿಲ್ಲ, ಅವರೂ ಕೂಡ ಆರ್ಡರ್ ಬಂದ ತಕ್ಷಣ ಕೊಡುವವರಾಗಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಒಂದು ವರ್ಷ ಎಂದು ಮಾಡಿದರೆ ಬಹಳ ಉಪಕಾರವಾಗುತ್ತದೆ. ಈಗಾಗಲೇ ಇದು ಪ್ರಾರಂಭವಾಗಿ 4-5 ವರ್ಷವಾಯಿತು. ಕೆಲವರು ಸುಪ್ರೀಂ ಕೋರ್ಟಿಗೆ ಹೋಗಿದ್ದವರ ಪೈಕಿ ಅಲ್ಲದೇ ಇತರರೂ ಕೂಡ ಕೆಲವು ಜನ ಸತ್ತುಹೋಗಿದ್ದಾರೆ. 6 ವರ್ಷವಾಗುತ್ತದೆ, ತಾವು ಪರಿಹಾರವನ್ನು ಕೊಟ್ಟರೂ ಕೂಡ ಬಹಳ ನೋಯಿಸಿ ಪರಿಹಾರವನ್ನು ಕೊಟ್ಟಹಾಗೆ ಆಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಒಂದು ವರ್ಷದ ಅವಧಿಯನ್ನು ಇಟ್ಟುಕೊಂಡ ಪಕ್ಷದಲ್ಲಿ ಬಹಳ ಉಪಕಾರವಾಗುತ್ತದೆ. ಅನೇಕ ಜನ ತಿನ್ನುವುದಕ್ಕೆ ಇಲ್ಲದೆ ಬಹಳ ಕಷ್ಟಪಡುತ್ತಿರುತ್ತಿದ್ದಾರೆ, ಅವರಲ್ಲಾ ನಿರುದ್ಯೋಗಿಗಳಾಗಿದ್ದಾರೆ. ಕೆಲವರು ಮಾತ್ರ ವಿಲೇವ್ ಅಕೌಂಟೆಂಟ್ ಅಥವಾ ಪೆಂಷನ್ಯು ಸೆಕ್ಟೆರಿಗಳಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಾ ಇದ್ದಾರೆ. ಎಷ್ಟು ಅರ್ಜಿಗಳು ಪೆಂಡಿಂಗ್ ಇವೆಯೋ, ಎಷ್ಟು ಅರ್ಜಿಗಳು ಅಫೀಸಿಗೆ ತಲುಪಿವೆಯೋ ಅಂತಹ ಅರ್ಜಿಗಳನ್ನು ಕೇವಲ 6 ತಿಂಗಳೊಳಗಾಗಿ ತೀರ್ಮಾನ ಮಾಡಬೇಕು, ಈಗ ಬರುವ ಅರ್ಜಿಗಳನ್ನು ಒಂದು ವರ್ಷದ ಅವಧಿಯಲ್ಲಿ ತೀರ್ಮಾನ ಮಾಡಬೇಕೆಂದು ಹೇಳಿ ನನ್ನ ಮಾತನ್ನು ಮುಕ್ತಾಯ ಮಾಡುತ್ತೇನೆ.

Sri DIGAMBARA RAO B. KALMANKAR (Aland).—Mr. Speaker, Sir, sub-clause (ii) of sub-section (2), the provision says :

“ A holder of a village office entitled to payment under sub-section (1) may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow.....”

So, discretion is given to the Deputy Commissioner and it may differ from place to place and Deputy Commissioner to Deputy Commissioner. This, in result, is not advancing any cause of justice to the village officers but on the other hand it will give rise to certain arbitrary acts of the Deputy Commissioner and thereby the village officer will be denied of the relief. So, under this sub-clause (2) (ii), some time limit must be given so that within that time limit the Deputy Commissioner

(SRI DIGAMBARA RAO B. KALMANKAR)

must take the application and by giving time limit, there is also the duty cast upon the Deputy Commissioner to dispose of the applications. If there is no time limit; there is every possibility of the Deputy Commissioner becoming lethargic and thus justice will be denied to these village officers. In the previous sub-clause 2 of section 9, there a period of one year fixed and the village officers had to give applications within that time. But now under this proposed sub-section which is a salutary provision, it is the Deputy Commissioner that has to take action initially. That way, it is a good thing. I welcome sub-clause (i).

In sub-clause (2) (ii) of clause 2, it is further said :

“On receipt of such application, the Deputy Commissioner shall furnish the date aforesaid to the applicant and he shall also before passing any order clause (i) give the applicant reasonable opportunity of making his representation in regard thereto, in writing or orally.”

[MR. SPEAKER in the chair]

Here I have got strong objection to the use of the word ‘orally’ because he must give an opportunity to put in objection if any to the orders that he passes on the basis of the data that he has got. The opportunity that is given to the applicant to give his objections is most welcome. But the objections that are to be given must be only in writing and not orally because whenever the question of making oral objection comes, there is every possibility that the Deputy Commissioner may say that oral representation was made. He may create his own record. There is every probability that the order which he passes on the basis of his own data may become final and there is no possibility of any representation being heard by village officers and thereby great injustice will be caused to such people. My only objection is that objections that are to be taken before passing the final order must be in writing and not orally.

† SRI B. RACHAIAH.—I am really grateful for the Hon’ble Members who have participated in the discussion of this Bill. One objection was raised by Hon’ble Member Mr. Nagappa and it was rightly overruled by you that there was no need for seeking any instruction from the President of India for the promulgation of an ordinance and even for the approval of this Bill also I am advised by the officers that the Mysore High Court has given verdict on the very same writ petition filed by the Village Officers that this subject falls within the competency of the State Legislature and there is no need for any approval by the President of India.

Sri M. R. Patil has raised two important valid apprehensions that clause (1) of Section 9 contradicts sub-clause (2). The intention of the Government is to allow more time to ex-hereditary village officers who have not applied within the time prescribed for the payment of relief.

Here Hon'ble Members are aware, many of the village officers, particularly inferior village servants are illiterate and they are unable to read and write and they were not able to apply to the Deputy Commissioners within the time prescribed for the payment of relief. Therefore, we thought that instead of making it obligatory on the part of the village officers to apply to the Deputy Commissioners for the payment of this relief, it would be desirable that the Deputy Commissioner himself passes the provisional order on the basis of section 9 of the Act. Section 9 deals with payment of compensation according to which he has to take data for arriving at a conclusion. So, sub-section 2 (1) enables the Deputy Commissioner without waiting for the village officers to apply for these reliefs to pass a provisional order and then give a reasonable time to village officers to apply for the data on the basis of which he has passed the provisional order. After giving reasonable time, either he has to hear him orally or in writing. Why we have mentioned this is because as has been stated earlier, many of the inferior village servant are unable to put it in writing and come and represent to the Deputy Commissioners that the relief ordered is inadequate or is passed on wrong assumption. Then he could correct his own order and pass a final order. After passing the final order, he will have to communicate each order to the new holder. Therefore with abundant caution we have made it incumbent on the Deputy Commissioner to pass the provisional order and give reasonable time and then pass the final order. It is with a view to make ex-village officers to satisfy themselves that the Government had given a very reasonable opportunity for them to get relief as has been contemplated under the provisions of the Act.

Many of our Members, particularly Mr. Shettar and Mr. Kalmankar also welcomed the spirit of this Bill; even the Hon'ble Member Sri H. Siddaveerappa questioned only the way in which the Government have resorted to promulgation of ordinance. If I may mention here Sir, the Government never contemplated a meeting of this Legislature during this month. We never contemplated about this amendment when the previous session was going on. It was only after the session was over, some representations were made to the Government by some members of the Ex-village Officers Association that they could not apply in time for the payment of relief and they therefore wanted some time. In order to overcome the difficulties, we had to make some provision by amending the existing Bill. Since the session was not there, the Government thought fit to promulgate the ordinance and this Bill is to replace that ordinance passed in September 1967. So far as the points raised by Mr. M. R. Patil are concerned, I assure him while making rules, care will be taken to prescribe the time-limit and also to give an opportunity to the ex-Officers to raise their objection and to satisfy themselves. Therefore, there will be no inconsistency. I want sub-clauses (i) and (ii) and all these to be incorporated in the rules. Therefore, I seek the co-operation of the Members and request them to see that this Bill is put into the Statute.

Mr. SPEAKER.—I have to put the resolution to the vote of the House first and then take up the Bill for consideration.

Sri B. RACHAIAH.—After having heard me he will withdraw the resolution.

Sri H. SIDDAVEERAPPA.—I will not withdraw it.

Mr. SPEAKER.—Rule 122 deals with the disapproval of an ordinance in its contents and principle of the ordinance, about the abuse of ordinance making power. I heard the entire speech of the Hon'ble Member from my Chamber. What he said was, if the Government had brought this Bill at that time, exactly in five minutes we would have passed it. So the disapproval is not to the substance and contents of the Bill but to the manner and the angle in which it has been done by ordinance. I am hesitating in my opinion whether the resolution has been supported by that Rule.

4-00 P.M.

Sri H. SIDDAVEERAPPA.—I quite see the point, Sir.

Mr. SPEAKER.—I will therefore put the resolution to the vote of the House now that it has been moved.

The question is :

“That this House disapproves the Mysore Village Offices Abolition (Amendment) Ordinance, 1967 Mysore Ordinance No. 4 of 1967).”

The Resolution was negatived.

Mr. SPEAKER.—I will now put the Bill. The question is :

“That the Mysore Village Offices Abolition (Amendment) Bill, 1967, be taken into consideration.”

The motion was adopted.

CLAUSE 2.

Mr. SPEAKER.—For clause 2, there is an amendment by Sri Arakere. He may move it.

Sri S. S. ARAKERE (Balloli).—Sir, I move my amendment to section 9 clause 2 :

“That in clause 2 at page 2, in the proposed new sub-section 2 at lines 2 and 3 for the words ‘within such time as may be prescribed’ the words ‘within two years from the date of enforcement of the Mysore Village Offices Abolition (Amendment) Bill, 1967, be substituted.”

MR. SPEAKER.—Amendment moved :

“ That in clause 2 at page 2, in the proposed new sub-section 2, at lines 2 and 3, for the words ‘ within such time as may be prescribed ’ the words ‘ within two years from the date of enforcement of the Mysore Village Offices Abolition (Amendment) Bill 1967, ’ be substituted. ”

ಶ್ರೀ ಎಸ್. ಎಸ್. ಅರಕೇರಿ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಮಂಡಿಸಲಕ್ಕೆ ಅನೇಕ ಕಾರಣಗಳಿವೆ. ನಿಜವಾಗಿಯೂ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಂತಹ ಮಾನ್ಯ ಸಚಿವರಿಗೆ ನಾನು ಉತ್ತರ ಕರ್ನಾಟಕದ ಎಕ್ಸ್-ಇನ್‌ಫೀರಿಯರ್ ವಿಲೇಜ್ ಆಫೀಸರ್‌ಗಳ ಸಂಘದ ಪರವಾಗಿ ಮತ್ತು ಇನ್ನೊಬ್ಬರ ಬದಲಾಗಿ ಅವರಿಗೆ ಧನ್ಯವಾದಗಳನ್ನು ಅರ್ಪಿಸುತ್ತೇನೆ. ಹಿಂದೆ ಈ ಬಿಲ್ಲು ಆದಮೇಲೆ ಅದರ ಪ್ರಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಬೇಕಾದ ತಾರೀಖು ಜನವರಿ 20, 1968ರೊಳಗಡೆ ಹಾಕಿಕೊಳ್ಳಬೇಕು ಎಂದು ಇತ್ತು. ಇದೇ ಕೊನೆಯ ತಾರೀಖು ಎಂದು ಮಾಡಿದುದರಿಂದ ನಮ್ಮ ಭಾಗದಲ್ಲಿರುವ ವತನು ಜಮೀನುದಾರರುಗಳಿಗೆ ಹಾಗೂ ಜಮೀನುಳ್ಳ ಇತರ ಬಡ ಜನರಿಗೆ ಇಲ್ಲಿರುವ ಸೆಕ್ಷನ್ 9 ರ ಪ್ರಕಾರ ಕಾಂಪೇನ್‌ಸೇಷನ್ ಅರು ಪಟ್ಟು ಕೊಡಬೇಕೆಂದು ಏನಿದೆಯೋ ಮತ್ತು ವತನೀ ಜಮೀನ್ ರಿಗ್ರಾಂಟ್‌ನ ಸೌಲಭ್ಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಆಗುತ್ತಿರಲಿಲ್ಲ. ಅಲ್ಲದೆ ಎಷ್ಟೋ ಜನಗಳಿಗೆ ಇಂತಹ ಒಂದು ಕಾಯಿದೆ ಬಂದಿದೆ ಎನ್ನುವುದೇ ಅಲ್ಲಿನ ಜನರ ತಿಳುವಳಿಕೆಗೆ ಬಂದಿರಲಿಲ್ಲ. ಅಲ್ಲದೆ ಅರ್ಜಿಯನ್ನು ಹಾಕಿಕೊಳ್ಳಲು ಜನವರಿ 20ನೇ ತಾರೀಖು 1968 ಕೊನೆಯ ತಾರೀಖು ಎನ್ನುವುದೂ ಅನೇಕ ಜನಕ್ಕೆ ತಿಳಿದಿರಲಿಲ್ಲ. ಇಂತಹ ಜನರಿಗೆ ಒಂದೆ ಹೆಚ್ಚು ಕಾರಾವಕಾಶ ಕೊಡಬೇಕು ಎನ್ನುವ ಒಂದು ದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ಕೋಟ್ಯಂತರ ರೂಪಾಯಿಗಳಷ್ಟು ಹಣ ಮತ್ತು ಲಕ್ಷಾಂತರ ಎಕರೆ ಜಮೀನು ನಮ್ಮ ಭಾಗದಲ್ಲಿ ಹಾಗೂ ಇನ್ನಿತರ ಭಾಗಗಳಲ್ಲಿರುವ ಎಕ್ಸ್-ಇನ್‌ಫೀರಿಯರ್ ಗ್ರಾಮಾಧಿಕಾರಿಗಳು ಪಡೆಯಲು ಅನುಕೂಲವಾಗಲಿ ಎನ್ನುವ ಒಂದು ಉದ್ದೇಶದಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆ. ಇಂತಹ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಇಲ್ಲಿ ತರುವುದರಿಂದ ನಿಜವಾಗಿಯೂ ಅನೇಕ ಬಡ ಜನರಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ ಎಂದು ಇಲ್ಲಿ ತರಬೇಕಾಯಿತು. ಅಲ್ಲದೆ ಮುಖ್ಯವಾಗಿ ಬೊಂಬಾಯಿ ಕರ್ನಾಟಕ ಹಾಗೂ ಹೈದರಾಬಾದ್ ಕರ್ನಾಟಕ ಏರಿಯಾದಲ್ಲಿರುವ ಇನ್‌ಫೀರಿಯರ್ ಅಫೀಸರುಗಳಿಗೆ ಬಹಳ ಜವರಿದ್ದಾರೆ. ಇದೂ ಅಲ್ಲದೆ ಇಲ್ಲಿ ಅನೇಕ ಜನರು ಮಹಾರ, ಹೊಸೆಯರು, ಮಾದಿಗ ಜನರು ತೋಟ ತಳವಾರರುಗಳಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತ ಬರುತ್ತಿರುವುದರಿಂದ ಅವರಿಗೆ ಇಂತಹ ಒಂದು ಕಾಯಿದೆ ಬಂದಿದೆ ಎನ್ನುವ ತಿಳುವಳಿಕೆ ಕೂಡ ಇರಲಿಲ್ಲ. ಇಂತಹ ಜನಕ್ಕೆ ನಾವುಗಳೇ ಹೋಗಿ ಅಲ್ಲಲ್ಲಿ ಪ್ರಚಾರ ಮಾಡಿ ಬೇಗನೆ ಸರ್ಕಾರದಿಂದ ಬರುವ ಈ ಕಾಂಪೇನ್‌ಸೇಷನ್ ಮತ್ತು ವತನ ಜಮೀನು ರೀಗ್ರಾಂಟ್ ಪಡೆಯಲು ಅನುಕೂಲವಾಗಲಿ ಎಂದು ಅವರ ಕಡೆಯಿಂದ ಸರ್ಕಾರಕ್ಕೆ ಕಾರಾವಧಿ ಹೆಚ್ಚಿಸಬೇಕು ಅಂತಾ ರೆಪ್ರೆಸೆಂಟೇಷನ್‌ಗಳನ್ನೂ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ ಮತ್ತು ಹಿಂದೆ ಯಾವ ಒಂದು ಊರಲ್ಲಿ ವತನ ಜಮೀನ್ ಕೊಟ್ಟಿಲ್ಲ ಅ ಮಹಾರವತನ ದಾರರು ಒಂದು ವರ್ಷಕ್ಕೆ ನೂರು ಅಥವಾ ಐವತ್ತು ರೂಪಾಯಿಗಳಷ್ಟನ್ನು ಸಂಭಾವನೆ ಅಂತಾ ಪಡೆಯುತ್ತಿದ್ದರು. ಅದರ ಈಗ ಈ ಬಿಲ್ಲಿನಂತೆ ಮುಂದೆ ಪಡೆಯುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಅದೂ ಅಲ್ಲದೆ ಲಕ್ಷಾಂತರ ಜನ ಇರುವ ನಮ್ಮ ಭಾಗದ ಎಂಟು ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಈ ವಿಲೇಜ್ ಆಫೀಸರ್ ಅಬಾಲಿಷನ್ ಆಕ್ಟ್ ಬಂದಿರುವ ತಿಳುವಳಿಕೆಯೇ ಅವರಿಗಿರಲಿಲ್ಲ. ಇದನ್ನು ರದ್ದು ಮಾಡಿರುವುದರಿಂದ ಇಂತಿಷ್ಟು ದಿನಗಳಲ್ಲಿ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರಿಗೆ ವತನೀ ಜಮೀನ್ ರೀಗ್ರಾಂಟ್‌ಗೂ ಮತ್ತು ಕಾಂಪೇನ್‌ಸೇಷನ್‌ಗೂ ಅರ್ಜಿಗಳನ್ನು ಹಾಕಿಕೊಳ್ಳಬೇಕು ಎನ್ನುವ ಯಾವ ಏರ್ಪಾಡೂ ಇಲ್ಲಿನ ಜನರಿಗೆ ಗೊತ್ತಿರಲಿಲ್ಲ. ಇದರ ಸಲುವಾಗಿ ನಾವು ಉತ್ತರ ಕರ್ನಾಟಕ ಮತ್ತು ಹೈದರಾಬಾದ್ ಕರ್ನಾಟಕದ ಅನೇಕ ಹಳ್ಳಿಗಳಲ್ಲಿರುವ ಎಕ್ಸ್-ವಿಲೇಜ್ ಆಫೀಸರ್‌ಗಳ ಒಂದು ಅಸೋಸಿಯೇಷನ್ ಸಭೆ ಕರೆದು ಅದನ್ನು ಸ್ಥಾಪಿಸಿ ಅವರಲ್ಲಿ ಪ್ರಚಾರ ಮಾಡಬೇಕೆಂದು ಪ್ರತಿ ಹಳ್ಳಿಗೂ ಹೋಗಿ ಅಲ್ಲಿನ ಜನರಿಗೆ ತಿಳುವಳಿಕೆ ಕೊಟ್ಟು ಬಂದಿದ್ದೇವೆ. ಅಲ್ಲದೆ ಜನವರಿ 20ನೇ ತಾರೀಖು 1968 ಕೊನೆಯ ದಿನವೆಂದು ಮಾಡಿದರೆ ಇಲ್ಲಿನ ಜನಕ್ಕೆ ತೊಂದರೆಯಾಗುತ್ತದೆ ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಸಂಘದ ಪರವಾಗಿ ಒಂದು ರೆಪ್ರೆಸೆಂಟೇಷನ್ ಕಳುಹಿಸಿ ಕೊಡಲಾಗಿದೆ. ಇದೇ ಪ್ರಕಾರ ಈಚೆಗೆ ಹುಬ್ಬಳ್ಳಿಯಲ್ಲೇ ನಮ್ಮ ರಿಪಬ್ಲಿಕ್ ಪಾರ್ಟಿಯವರು ಸಭೆ ಸೇರಿದ್ದಾಗ ಉತ್ತರ ಕರ್ನಾಟಕದ ಹಿಂದುಳಿದ ಜನರಿಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ಈಗಿರುವ ಪೀರಿಯಡ್‌ನ್ನು ಸ್ವಲ್ಪಕಾಲ ಹೆಚ್ಚಿಸಬೇಕು ಅಲ್ಲಿನ ಎಕ್ಸ್-ವಿಲೇಜ್ ಆಫೀಸರ್ ಅಬಾಲಿಷನ್ ಅಸೋಸಿಯೇಷನ್ ವತಿಯಿಂದ ಸರ್ಕಾರಕ್ಕೆ ರೆಪ್ರೆಸೆಂಟೇಷನ್‌ಗಳನ್ನೂ ಕಳುಹಿಸಿ ಕೊಡಲಾಗಿತ್ತು. ನಮ್ಮ ಮಾನ್ಯ ಸಚಿವರಿಗೂ ಕೂಡ ಈಗಿರುವಂತೆ ಕೊನೆಯ ತಾರೀಖನ್ನು ಇಟ್ಟರೆ ಬಹಳ ಜನಕ್ಕೆ ಕಷ್ಟವಾಗು

(ಶ್ರೀ ಎಸ್. ಎಸ್. ಅರಕೇರಿ)

ತ್ತದೆ ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಮನವಿಗಳನ್ನು ಕಳುಹಿಸಿ ಕೊಡಲಾಗಿದೆ. ಅದರಂತೆ ಇಲ್ಲಿರುವ ಪೊಲೀಸು ಪಜೀಲರುಗಳ ಹುದ್ದೆಯನ್ನೂ ರದ್ದು ಮಾಡುತ್ತಿರುವುದರಿಂದ ಇವರಿಗೆಲ್ಲಾ ಹೆಚ್ಚು ಕಾರಾವಕಾಶ ಸಿಗುವಂತೆ ಮಾಡಲು ಇಲ್ಲಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತರಲಾಗಿದೆ. ಇದರಿಂದ ಸಾಮಾನ್ಯ ಹರಿಜನರಿಗೆ ಬಹಳ ಅನುಕೂಲವಾಗುತ್ತದೆ ಮತ್ತು 20ನೇ ಜನವರಿ 1968 ಕೊನೆಯ ತಾರೀಖು ಎಂದು ಇಬ್ಬರೆ ಬಹು ಜನಕ್ಕೆ ಕಷ್ಟವಾಗುತ್ತದೆ ಮತ್ತು ಇಷ್ಟರೊಳಗೆ ಆಯಾ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಅವರು ತಮ್ಮ ಮನವಿಗಳನ್ನು ಕಳುಹಿಸುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಅದಕ್ಕಾಗಿ ಮುಖ್ಯವಾಗಿ ನಾನು ಇಲ್ಲಿ ತಂದಿರುವ ತಿದ್ದುಪಡಿ ಸೆಕ್ಷನ್ 9 (2) ಕ್ಕೆ ಈ ರೀತಿ ತಿದ್ದುಪಡಿ ತಂದಿದ್ದೇನೆ :

“ For the words ‘within such time as may be prescribed’, the words ‘ within two years from the date of enforcement of the Mysore Village Offices Abolition (Amendment) Bill 1967’, be substituted.”

ಇದರಲ್ಲಿ ಈಗ ಹೇಳಿರುವುದು ಸ್ವಲ್ಪ ಅಸ್ಪಷ್ಟ (Vague) ಆಗಿ ಕಾಣುತ್ತಿದೆ. ಇದನ್ನು ನಿರ್ದಿಷ್ಟವಾಗಿ ರಚಿಸಲು ಎಂದು ನಾನು ಇಲ್ಲಿ ತಿದ್ದುಪಡಿ ತಂದಿದ್ದೇನೆ ಮತ್ತು ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೂ ಅರ್ಜಿ ಕೊಡಲು ಸಾಕಷ್ಟು ಕಾರಾವಕಾಶ ಕೊಡುವ ಉದ್ದೇಶದಿಂದ ಇಲ್ಲಿ ಎರಡು ವರ್ಷಗಳಷ್ಟು ಅವಕಾಶ ಇರಲಿ ಎಂದು ಸೂಚಿಸಿದ್ದೇನೆ. ಇದರಿಂದ ಬಹಳ ಜನಕ್ಕೆ ಅನುಕೂಲವಾಗುತ್ತದೆ ಎನ್ನುವ ದೃಷ್ಟಿಯಿಂದ ಈ ಸಭೆಯು ಗಮನಕ್ಕೆ ತರುತ್ತಿದ್ದೇನೆ ಇದನ್ನು ಈ ಸಭೆಯವರು ಪಾಸು ಮಾಡಿ ಸರ್ವರೂ ಬೆಂಬಲ ಕೊಡಬೇಕೆಂದು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಇಲ್ಲಿ ಮಂಡಿಸುತ್ತಿದ್ದೇನೆ.

†Sri B. RACHAIAH.—Sir, sub-section (2) of section 9 reads like this :

“ The holder of a village office entitled to payment under sub-section (1) may within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposed to determine the amount payable under sub-section (1).”

My friend has brought in an amendment to replace the word “may” to such further time as the Deputy Commissioner may in his discretion fix. It is only after provisional order is passed by the Deputy Commissioner a reasonable time will have to be prescribed by the Government within which time every village officer, if he wants to know the data on which the provisional order has been passed, he can apply for a copy of the order. I do not know why my friend has put 2 years for applying for a copy of the order. Even earlier, the Government thinks, a copy can be given within a month or two after the passing of provisional order by the Deputy Commissioner, if he applies a copy of the order can be given. If he wants two years it means he has to wait for two complete years and then apply for a copy of the order and it will delay the proceedings. The intention of the hon’ble member seems to be that within two years every village officer will have to be paid the relief that has been passed by the Deputy Commissioner but whatever he has stated earlier does not apply to this sub-section. It applies to the inferior village officers but it is covered by a separate enactment. What this section contemplates is to give a reasonable time to inferior village officers to apply to the Deputy Commissioner to supply copy of the order he has passed. Two

years is not required for this purpose. The Government thinks that within two or three months copy of the orders will have to be made available to the village officers who apply for it. So this amendment is not necessary and I request the hon'ble member to withdraw the amendment.

ಶ್ರೀ ಎಸ್. ಎಸ್. ಅರಕೇರಿ.—ಈಗ ಜಮೀನನ್ನು ರೀ ಗ್ರಾಂಟ್ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಹಾಗೂ ಅರರಪ್ಪ ಕಂಪನ್ ಸೇಷನ್ ಕೊಡುವುದಕ್ಕೆ ಎಷ್ಟು ಕಾಲಾವಧಿಯನ್ನು ನಿಗದಿ ಮಾಡಿದ್ದೀರಿ ?

ಶ್ರೀ ಬಿ. ರಾಜಯ್ಯ.—ಒಂದು ವರ್ಷದೊಳಗೆ ಎಂದು ಹಿಂದೆ ಮಾಡಿದ್ದೆವು. ಈಗ ಅದನ್ನು ಗೊತ್ತುಮಾಡಲಿಲ್ಲ. ಅದಷ್ಟು ಬೇಗ ಆಕ್ಟ್ ಪಾಸ್ ಮಾಡಿದ ಕೂಡಲೇ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಅದರ ಕಾಲಾವಧಿಯನ್ನು ನಿಗದಿ ಮಾಡುತ್ತಾರೆ.

Sri DIGAMBAR RAO B. KALMANKAR.—How much time you may require to frame rules ?

Sri B. RACHIAH.—The rules are under scrutiny and they will be done as early as possible.

Sri S. S. ARAKERE.—If that is the case, I beg leave to withdraw this amendment.

Mr. SPEAKER.—Has the hon'ble member permission of the House to withdraw the amendment ?

HON. MEMBERS.—Yes.

The amendment was, by leave of the House, withdrawn.

Sri DIGAMBAR RAO B. KALMANKAR.—Sir, I have given notice of an amendment to clause 2. I shall move it :

“That at page 3 in the proposed new sub-section 2 (ii) line 10, the words ‘or orally’ shall be deleted.”

Mr. SPEAKER.—Amendment moved :

“That at page 3 in the proposed new sub-section 2 (ii) line 10, the words ‘or rally’ shall be deleted.”

Sri DIGAMBAR RAO B. KALMANKAR.—Now under section 9, sub-section (1) :

“A holder of a village office abolished under this Act shall be paid in such manner and in such instalments as may be prescribed—

(i) in the case of a holder of an inferior village office, an amount equal to the aggregate of the amounts calculated in the manner provided in the following clauses (A) and (B)

(a) where the full or a portion of the assessment of the land granted or continued in respect of or annexed to, any village office by the State was assigned towards the emoluments of the holder of such office, six times the amount equal to the difference between the amount of such assessment or portion and the amount of quit rent or jodi, if any, payable to the State Government by the holder ;

(SRI DIGAMBAR RAO B. KALMANKAR)

(b) six times the amount equal to the annual cash allowance or other annual payment of money not being the rent of land resumed under clause (b) of section 12 of the Bombay Hereditary Offices Act, 1874 (Bombay Act III of 1874) or a like provision under any existing law relating to village offices) made by the State Government to the holder under existing law relating to village offices."

I am reading this sub-section 1 to impress on the House that the data that is to be furnished by the Deputy Commissioner is prepared on the basis of sub-section 1 of section 9. This data to be prepared pertains to village officers and inferior village officers. There is some calculation to be done to prepare data. There is every probability that the data to be prepared by the Deputy Commissioner may not be correct. In that case the question will arise whether an opportunity to the holder must be given or not. If that opportunity is to be given whether that opportunity to be given must be such that where the holder will have a chance to say what he wants to say in writing so that afterwards objection may not be raised that he did not make any objection regarding the error committed in preparing the data by the Deputy Commissioner. These inferior Village Officers do not know anything about calculations. So, there is every possibility that they may take the help of some others, probably lawyers. So, my submission is that no injustice should be done to these Village Officers. So the word 'or orally' should be deleted and the objections that are to be given by the Village Officers must be in writing so that there will be something on record. If they are given orally, there is every possibility that the Deputy Commissioner may say that oral objections were made and there may be no record that any objections were made.

† Sri B. RACHAIAH.—Sir, in order to provide more facilities to the illiterate Village Officers, we have given them the option to give it in writing or represent orally to the Deputy Commissioner the grievance they may have with regard to the determination of compensation or relief. Therefore, there is nothing wrong in having these words. If the Village Officers feel doubtful about the attitude of the officers, nothing prevents them in giving their representation in writing. Therefore, I have cautiously provided both these words 'in writing' and 'orally' in order to help those illiterate persons.

Sri DIGAMBAR RAO B. KALMANKAR.—Sir, I beg leave of the House to withdraw my amendment.

Mr. SPEAKER.—Has the Member permission of the House to withdraw his amendment?

HON. MEMBERS.— Yes.

The amendment was, by 'leave of the House' withdrawn.

CLAUSES 2 to 4

Mr. SPEAKER.—The question is :

“ That clauses 2 to 4 both inclusive stand part of the Bill ”.

The motion was adopted.

Clauses 2 to 4 both inclusive were added to the Bill.

CLAUSES 1, ETC.

Mr. SPEAKER.—The question is :

“ That clause 1, the Title and the Preamble stand part of the Bill.”

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass

Sri B. RACHAIAH.—Sir, I beg to move :

“That the Mysore Village Offices Abolition (Amendment) Bill, 1967 be passed.”

Mr. SPEAKER.—The question is :

“That the Mysore Village Offices Abolition (Amendment) Bill, 1967 be passed.”

The motion was adopted.

MYSORE LAND REFORMS (SECOND AMENDMENT) BILL, 1967.

Motion to consider

Sri B. RACHAIAH.—Sir, I beg to move :

“That the Mysore Land Reforms (Second Amendment) Bill, 1967 be taken into consideration.”

Mr. SPEAKER.—Motion moved :

“That the Mysore Land Reforms (Second Amendment) Bill, 1967, be taken into consideration.”

† Sri S. H. SHETTAR.—Sir, I raise a point of order. I may bring to your kind notice Act No. XIII of 1955 of Mysore which repeals sections 31-A, 31-B and 31-C of the Bombay Act, I may be permitted to read section 120 of the S. R. Act. Section 120 reads :

“ The power to adopt laws for the purpose of facilitating application of any law in relation to any State formed or territorially